

**BEFORE THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

_____)	
APPLICATION OF:)	
)	
Zeta Phi Beta Sorority, Incorporated)	BZA Case No.
)	
for a Special Exception Under 11-U DCMR §)	Hearing Date:
320.1(a) to allow for the use of a residential)	
building in the RF-2 District by a non-profit)	
organization at 1461 S Street, N.W. (Square)	ANC 2B
206, Lot 25) and an area variance from 11-U)	
DCMR § 203.1(n)(2) to allow for the non-)	
profit use in a building of less than 10,000)	
square feet in GFA)	

APPLICANT’S PRE-HEARING STATEMENT

I.

Introduction

Zeta Phi Beta Sorority, Incorporated (“Zeta Phi Beta”), submits this statement through undersigned counsel in support of its application for a special exception to allow the use of a residential building in the RF-2 District by this non-profit organization at 1461 S Street, N.W. (Square 206, Lot 25) and an area variance from 11-U DCMR § 203.1(n)(2) to allow for the non-profit use in a building of less than 10,000 square feet in GFA. This application is made pursuant to 11-U DCMR § 320.1(a) of the Zoning Regulations. 11-U DCMR § 320.1(a) (referencing 11-U DCMR § 203.1(n)) allows the use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization by special exception.

II.

Jurisdiction of the Board

The Board of Zoning Adjustment (“Board” or “BZA”) has jurisdiction to grant the requested special exception pursuant to D.C. Official Code § 6-641.07(g)(2) (2012 Repl.) and 11-X DCMR § 901.2. The Board of Zoning Adjustment (“Board” or “BZA”) has jurisdiction to grant the requested area variance pursuant to D.C. Official Code § 6-641.07(g)(3) (2012 Repl.) and 11-X DCMR § 1000.1.

III. Background and Description of Proposal

Zeta Phi Beta is headquartered at 1734 New Hampshire Avenue, N.W. where the sorority has office and event space. They are seeking this special exception due to their need for additional office space. The location of the headquarters will not change – 1734 will remain the primary office and event space.

Approximately five to six female staffers will work in the 6-bedroom house. Two off-street parking spaces are provided.

IV. The Applicant Meets the Standard for Special Exception Relief and Variance Relief

A. Standard of Review and Compliance with Special Exception Standards under Subtitle X § 901.2

Section 320.1(a) of the Zoning Regulations allows residential buildings to be used by non-profit organizations through special exception in the RF-2 District (see 11-U DCMR § 203.1(n)) as set forth below:

320.1(a) The uses in this section shall be permitted as a special exception if approved by the Board of Zoning Adjustment under Subtitle X, Chapter 9 subject to any applicable provisions of each section:

(a) Any use or structure permitted under Subtitle U § 203 subject to any modification by this chapter.

203.1(n) Use of existing residential buildings and the land on which they are located by a nonprofit organization for the purposes of the nonprofit organization:

(1) If the building is listed in the District of Columbia's Inventory of Historic Sites or, if the building is located within a district, site, area, or place listed on the District of Columbia's Inventory of Historic Sites;

The property is located in the Greater U Street Historic District.

(2) If the gross floor area of the building in question, not including other buildings on the lot, is ten thousand square feet (10,000 sq. ft.) or greater;

The Applicant is seeking an area variance from this requirement as the building is only 4199 square feet.

(3) The use of existing residential buildings and land by a nonprofit organization shall not adversely affect the use of the neighboring properties;

Approximately five to six female staffers will work in the 6-bedroom house and will create no disturbance to the neighbors.

(4) The amount and arrangement of parking spaces shall be adequate and located to minimize traffic impact on the adjacent neighborhood;

Two off-street parking spaces are provided, and staff will utilize public transit.

- (5) No goods, chattel, wares, or merchandise shall be commercially created, exchanged, or sold in the residential buildings or on the land by a nonprofit organization, except for the sale of publications, materials, or other items related to the purposes of the nonprofit organization; and

The Applicant will comply. The space will be used for administrative purposes.

- (6) Any additions to the building or any major modifications to the exterior of the building or to the site shall require approval of the Board of Zoning Adjustment after review and recommendation by the Historic Preservation Review Board with comments about any possible detrimental consequences that the proposed addition or modification may have on the architectural or historical significance of the building or site or district in which the building is located;

No exterior modifications are proposed.

1. The Special Exception Will Be in Harmony with the General Purpose and Intent of the Zoning Regulations and Maps.

This property has historically been used as a residence and is surrounded by residences. The special exception request will be in harmony with the general purpose and intent of the Zoning Regulations and Map to promote the public health, safety, morals, convenience, order, prosperity and general welfare. 11-A DCMR § 101.1. Because there is no proposed addition to the building,

the use will not change or interfere with existing light and air. Similarly, because the residence will only be utilized by five or six sorority employees, the use will not allow undue concentration of population and the overcrowding of land. It also will not result in an uneven distribution of population, business and industry and use of land. *See* 11-A DCMR § 101.1.

2. The Special Exception Will Not Tend to Adversely Affect the Use of Neighboring Property in accordance with the Zoning Regulations and Maps.

The office use will not tend to adversely affect the use of neighboring property. 11-A DCMR § 101.1. As mentioned above, only five or six employees will use the space for office and administrative purposes so neighboring properties should remain unaffected.

The office use will not create any adverse effects with respect noise, trash removal, deliveries or hours of operation.

B. Standard of Review and Compliance with Variance Standards under Subtitle X

§ 901.2

Section 1002.1(a) explains that “An applicant for an area variance must prove that, as a result of the attributes of a specific piece of property described in Subtitle X § 1000.1, the strict application of a zoning regulation would result in peculiar and exceptional practical difficulties to the owner of property.”

Zeta Phi Beta’s headquarters are located at 1734 New Hampshire Avenue, N.W. in an over 12,000 square foot building located in the RA-9/ Dupont Circle Historic District. The majority of the sorority’s employees work at that location and 1461 S Street is intended to be an ancillary office space. A building of 10,000 square feet or greater would be much too large for the less than ten employees proposed at this location. We ask that the Board consider the two locations in the aggregate to satisfy § 203.1(n)(2).

We note BZA Order No. 15555 – Ann Cullen (June 24, 1992) – in which the Board stated, “the 10,000 square-foot figure is arbitrary, and that its purpose was to establish a standard, not an inflexible rule.” Zeta Phi Beta is especially deserving of this flexibility. The sorority was founded on January 16, 1920 at Howard University. Since then Zeta Phi Beta has worked diligently to effectuate positive change in the community through their volunteer efforts, partnership and programs to educate to educate the public, support charities and encourage legislation that promote civic and social progress. We ask that the Board grant the area variance from § 203.1(n)(2).

V.
Community Outreach

Pursuant to Subtitle Y § 300.8(1), the Applicant will present the proposal to Advisory Neighborhood Commission (“ANC”) 2B on, 2019.

VI.
Exhibits in Support of Application

- Exhibit A: Letters of Support from Existing and New Neighbors (forthcoming)
- Exhibit B: Witness list and outline of testimony

VII.
Conclusion

For the reasons stated above, the proposed application meets the standards for special exception relief under the Zoning Regulations. The Applicant therefore respectfully requests that the Board grant the application.

Respectfully submitted,

By: 

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